As an initial matter, Applicant notes that claims 1 and 3 have been amended merely to recite those sequence listings corresponding to the TNF and IFN stimulated genes which appear in both Tables 1 and 2 of the application. Such amendments are amply supported by the specification and original claims, and are well within the scope of the prior search. Support therefore can be found throughout the present application (see, e.g., page 2, line 19 to page 3, line 5; page 4, lines 7-11; and original claims 1 and 3).

Referring now to the Office Action, an earlier objection to the disclosure has been maintained for the reasons of record. In particular, the Office Action alleges that to permit use of the invention by one skilled in the art, the specification must recite the sequences for those genes referred to in the tables of the application.

While Applicant disagrees with the objection for the reasons already made of record, in order to expedite prosecution of the application, Applicant submits herewith a sequence listing in paper and electronic format. The sequence listing recites the sequences for those TNF and IFN stimulated genes which appear in both Tables 1 and 2, to which the amended claims are now directed.

Applicant submits that the selected transcripts, being considerably and durably over-expressed in the conditions set forth in claims 1 and 3, are highly preferred and of critical importance relative to those transcripts expressed in only one of the experimental protocols for TNF/IFN gamma induction which lead to the establishment of Tables 1 and 2.

Accordingly, withdrawal of the objection is thus requested.

Claims 1 and 3 stand rejected under 35 USC §112, 1st paragraph. As grounds for the rejection, it is alleged that without the sequences of the TNF and IFN stimulated genes, the claims lack enablement.

While Applicant disagrees with the rejection for the reasons already made of record, it also

is submitted that the within amendments obviate the rejection. In particular, as further amended herein, the subject matter of claims 1 and 3 is limited to those genes (and corresponding sequence listings) which are present in both Tables 1 and 2.

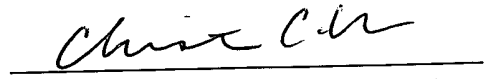
By way of further explanation and in support of Applicant's arguments, it is noted that the tables were obtained by listing the transcripts being over expressed at 1 hour (Table 2) and at 16 hours (Table 1) after exposure to TNF / IFN gamma. (See for instance the Example of Identification of TNF and IFN Stimulated Genes provided in the present application at page 34, in particular, page 34, lines 20-25). It is noted that the number of genes over expressed after 16 hours is higher than at 1 hour (223 vs. 72). This can be explained by the fact that some of the over expressed genes act as inducers of other genes.

Applicant again emphasizes that the selected transcripts, being considerably and durably over-expressed in the conditions set forth in claims 1 and 3, are highly preferred and of critical importance relative to those transcripts expressed in only one of the experimental protocols for TNF/IFN gamma induction which lead to the establishment of Tables 1 and 2.

In view of the foregoing, Applicant submits that present claims 1 and 3 are clearly enabled. Reconsideration and withdrawal of the rejection under 35 USC §112, first paragraph, are requested.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES
(Additions are underlined.)

IN THE CLAIMS:

Claims 1 and 3 were amended as follows.

1. A method for identifying an agent which modulates a Tissue Necrosis Factor and Interferon influenced cellular process or response, the method comprising:

a) exposing a sample of cells to Tissue Necrosis Factor and Interferon;

b) determining the level of expression in the sample of cells of one or more Tissue Necrosis Factor and Interferon stimulated genes selected from the group consisting of those set forth in SEQ ID NOS. 1-31 in the presence and absence of a selected agent; and

c) identifying that the agent modulates a Tissue Necrosis Factor and Interferon influenced cellular process or response when the expression of the one or more Tissue Necrosis Factor and Interferon stimulated genes in the cell sample in the presence of the agent differs from the expression of the one or more Tissue Necrosis Factor and Interferon stimulated genes in the absence of the agent.

3. A method for identifying an agent which modulates a Tissue Necrosis Factor and Interferon influenced cellular process or response, the method comprising:

a) providing a sample of cells;

b) determining the level of expression in the sample of cells of one or more Tissue Necrosis Factor and Interferon stimulated genes selected from the group consisting of those set forth in SEQ ID NOS. 1-31 in the presence and absence of a selected agent; and

c) identifying that the agent modulates a Tissue Necrosis Factor and Interferon influenced cellular process or response when the expression of the one or more Tissue Necrosis Factor and Interferon stimulated genes in the cell sample in the presence of the agent differs from the expression of the one or more Tissue Necrosis Factor and Interferon stimulated genes in the absence of the agent.